

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

LAWRENCE (LARRY) W. SINCLAIR)	
Plaintiff, Pro Se)	
)	Case No. 5:23-CV-109
VS)	
)	
BRIAN MARK KRASSENSTEIN, et al)	
<u>Defendants.</u>)	

**PLAINTIFF EX-PARTE MOTION FOR ORDER DIRECTING US MARSHAL
SERVICE TO EFFECT SERVICE OF SUMMONS**

Come Now Plaintiff Lawrence (Larry) W. Sinclair, Pro Se **EX-PARTE MOTION FOR ORDER DIRECTING US MARSHAL SERVICE TO EFFECT SERVICE OF SUMMONS** pursuant to Fed.R.Civ.P 4 Summons (c) Service (3) *By a Marshal or Someone Specially Appointed. At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.* and in support of such states as follows.

1. Plaintiff obtained Summons from the Clerk of Court on October 24, 2023 in person (Dkt. No. 10). Plaintiff placed in United States Mail

Priority Mail postage prepaid, delivery and signature confirmation required addressed to each defendant on October 24, 2023 in Laredo, Texas the following:

- a. Executed Summons & copy of Complaint
 - b. Postage Prepaid Self-addressed return envelope
 - c. Completed NOTICE AND ACKNOWLEDGMENT FOR SERVICE BY MAIL (Form SDTX-DC-30)
 - d. Completed NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS (Form AO 398 Rev. 01/09)
 - e. Completed WAIVER OF THE SERVICE OF SUMMONS (Form AO 399 Rev. 01/09)
2. Defendants Brian M. Krassenstein, E&B Advertising Inc and Forum Advertising LLC all received theirs signed for by defendant Brian Krassenstein on October 27, 2023 (confirmation attached to Exhibit A Plaintiffs Affidavit with personal address street name redacted)
3. Defendants were asked multiple times if they would agree to waive service in consideration of the stated goals of the Court to keep cost of service at its least amount. Defendants refused to respond to those requests. Plaintiff still made the effort in accordance with stated goal and practice.
4. On October 10, 2023 Defendant Edward Lawrence Krassenstein published on his X (formerly known as Twitter) account, (the same

platform defendants used to engage in alleged acts causing this action) with the opening line ***“I just wanted to quickly address the absurd \$45M defamation lawsuit brought by Larry Sinclair against me and @Krassenstein”*** and defendant Brian Krassenstein X user @Krassenstein ensuring publication on both defendants pages.

5. Defendant Edward Lawrence Krassenstein in his October 10, 2023 publication referred to above in #4, defendants continue to repeat the defamatory and libel which necessitated this action, defendant made statements which can only be seen as acknowledgement defendants viewed the Courts case docket especially this statement ***“While the lawsuit appears to be filed in US court in Texas, Sinclair is apparently trying to convince the courts that he can’t afford to pay the fees.”*** (Screenshot attached to Exhibit A Plaintiffs Affidavit)
6. Defendant Edward Lawrence Krassentein in the October 10, 2023 publication also makes statements about Plaintiff when plaintiff was 15-16 years old while in the comments of the publication making statements “I am not waiving anything,” and replying advice from one of his followers to *“...fight the legal process...”* where defendant Edward Krassenstein responds ***“That’s the plan. Stay tuned.”*** (Screenshot attached to Exhibit A Plaintiffs Affidavit)
7. Defendants continue to use the platform X (formerly known as Twitter) where defendants receive a financial benefit from, to publish false,

defamatory and libelous statements and claims about plaintiff as true without bothering to verify the truthfulness.

8. Defendants were even notified multiple times before and after Defendant Edward Lawrence Krassenstein's October 10, 2023 publication as to Fed.R.Civ.P. 4(d)(1). Defendants make clear publicly in a venue which generates them financial benefits their intent is to make Plaintiff wait out the 20 days required on the Notice and Acknowledgement of Service by Mail as well as the 30 days required on Notice and Request to Waive Service before plaintiff becomes aware personal service must be done, in effort to drag out the time which defendants must retain counsel and respond.
9. Defendants will continue to use their presence on platform X (formerly known as Twitter) to defame and libel plaintiff for financial benefit as they have demonstrated repeatedly before they were permanently banned from the platform Twitter (now known as X) before it was acquired by Elon Musk and they were reinstated after appealing to Musk, if they are allowed to deliberately attempt to avoid service.

Plaintiff has attached hereto Plaintiffs **Affidavit In Support** as plaintiff does not seek to shorten the 30 days which the Notice and Request for Waiver allows defendants, plaintiff asks this Honorable Court for ORDER DIRECTING US MARSHALS SERVICE EFFECT PERSONAL SERVICE ON DEFENDANTS immediately or as soon as possible thereafter on November 24, 2023 if plaintiff has not received requested Waiver of Service and filed them by end of day November 23, 2023.

WHEREFORE Plaintiff respectfully requests this Honorable Court in accordance with **Fed.R.Civ.P 4 Summons (c) Service (3) By a Marshal or Someone Specially Appointed**. *At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916* grant plaintiff MOTION and issue its ORDER.

Dated: November 26, 2023,

Respectfully Submitted,

Lawrence Sinclair

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